

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re Flint Water Cases,

No. 5:16-cv-10444-JEL-MKM
(consolidated)

Hon. Judith E. Levy

Mag. Mona K. Majzoub

Washington, et al.,

No.: 16-cv-11247

Plaintiffs,

v.

State of Michigan, et al.,

Defendants.

CLAIMANT'S STATEMENT OF OBJECTIONS

NOW COMES the undersigned Objector, who provides this written statement of Objections pursuant to the Master Settlement Agreement (ECF No. 1319-1, revised 1394-2¹) Article XX to fulfill my duty as a concerned Flint resident and citizen after learning of the details and operations of different provisions of the Master Settlement Agreement ("MSA"), which I believe are unfair, unreasonable, and inadequate:

My name is Charles Robinson. I am a retired skilled tradesman for General Motors, where I worked for thirty-two years. I am a veteran of the Vietnam War, where I served in active duty for fourteen months, and then in the reserves. I am objecting to the terms of the settlement because the distribution of monetary awards is unfair.

I object to the proposed settlement outlined in the MSA and in the "Compensation

¹ Page references will be to the Revised version of the Settlement Agreement, ECF No. 1394-2

Grid” because the allocation for those who have had bone scans is unfair and gives preference to a certain number of residents for arbitrary reasons. These scans create an unfair scheme because they have not been shown to be safe for adults and/or children/minors, and even if so, the procedure or test has not been approved for use in humans, whether adults or children/minors. No one should be subjected to being a lab rat on what might potentially be a harmful and untested procedure.

The bone scans are unfair because, first, there is no transparency about how they are done, raising concerns about their safety. These concerns have been made in other objections, e.g., Dr. Lawrence Reynolds’ objection, ECF No. 1436, and have been reported in local news media, particularly regarding Dr. Mona Hanna-Attisha’s recommendation against having them. I have also learned that the scans might have been done without proper licensing or registration under the law. If true, this underscores not only the lack of transparency, but how this kind of proof of damages is of limited availability.

Second, even if shown to be safe and reliable, I object to the use of these bone scans because unfair preference has been given to clients of Napoli Shkolnik, Levy Konigsberg, and other firms in the good graces of Napoli Shkolnik. A bone scan would be the only possible way for me to qualify for the damages categories concerning lead and physical injury (categories 22–25). I did not get a blood test during the applicable period because I was never told to get one. I also did not seek active treatment from a physician. With bone scans being the only option, I was informed by my attorney that Napoli Shkolnik would not do scans for me, even if they were shown to be safe and reliable, something that has not been done. *See Exhibit A*, a copy of an email refusing scans.

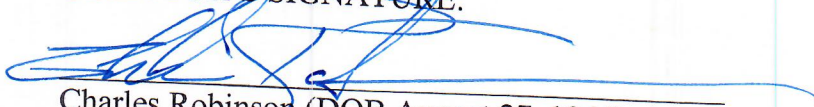
These issues show how there are fewer people who can qualify for these higher

categories, something which makes up the third grounds of my objection to this proposed partial settlement. The most valuable category for adults has only two methods—blood tests or bone tests. ECF 1394, 381–82; 393–94; 401–02. Depending on the readings from either test, a person who receives one has the opportunity to obtain much higher enhanced payments—the category with the highest monetary award (category 22) will be in amounts *twenty times* more than someone who lived in Flint after 2016 and obtained a scan with a reading at or above 5 mcg/dL (category 25). And if a person's only means of showing exposure is by a bone test—someone like me, either because blood lead tests were not performed until later, at a time when they will not show high readings, or because he or she hasn't been able to get a doctor to provide causation—but they cannot get one, the highest they can potentially qualify for is category 28 regarding residence (which is \$1,000), assuming that amount isn't divided amongst other people who may also qualify for the same piece of property. This amount is orders of magnitude lower than what I might receive if bone scans were shown to be safe and made available. This is unfair and unreasonable.

In short, some people will get much more money than others—perhaps thousands if not tens of thousands more—not because they had a more severe injury, or suffered greater damages—but because they had access to a bone lead test while others did not. It's hard to understand how this outcome can be considered fair, especially because there is no other alternative way to get a comparable test that would be consistent across claimants. Indeed, I've learned that the manufacture has not approved for human use.

For the foregoing reasons, I object to the proposed partial settlement, on behalf of myself and loved ones. I have not seen any proof that this

OBJECTOR'S SIGNATURE:



Charles Robinson (DOB August 27, 1946)
9248 Elaine Dr.
Swartz Creek, MI 48473
(810) 845-0527

DATED: March 23, 2021

¹ Page references will be to the Revised version of the Settlement Agreement, ECF No. 1394-2

Stephen Monroe

From: Patrick Lanciotti <PLanciotti@NapoliLaw.com>
Sent: Thursday, February 25, 2021 8:32 PM
To: Paul Napoli; Marc Bern
Cc: Hunter Shkolnik; Sophia Higbie; Stephen Monroe
Subject: RE: Cease and Desist

WARNING: --External E-mail. Use caution if opening Links and Attachments--.

Sophia and Stephen - please see below.

-----Original Message-----

From: Paul Napoli <PNapoli@NSPRLaw.com>
Sent: Thursday, February 25, 2021 9:25 PM
To: mbern@bernllp.com
Cc: Patrick Lanciotti <PLanciotti@NapoliLaw.com>; Hunter Shkolnik <Hunter@NapoliLaw.com>
Subject: Cease and Desist

Marc

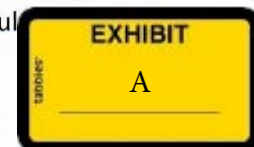
Cease and desist your office from calling our office for bone lead tests. We will not be giving you the courtesy of doing any tests for you.

If you continue harass us we will report you to the authorities.

Paul

Paul Napoli
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